

DETAILED ACTION

1. This office action is responsive to the communication on August 6, 2009; claims 1-21 are pending; claims 12-20 are withdrawn from consideration as being drawn to non-elected invention.

2. Applicant's election with traverse of claims 1-11, 21 in the reply filed on August 6, 2009 is acknowledged. The traversal is on the ground(s) that:

"The Examiner has failed to meet the standard for a restriction of claims as stated in 35 U.S.C. 121 "If two or more independent and distinct inventions are claimed in one application, the Director may require the application to be restricted to one of the inventions." Therefore, the claims must be both "independent" and "distinct". The Examiner is requested to withdraw the restriction requirement and examine all claims on their merit.

If the Restriction Requirement is not withdrawn, examination on the merits regarding the claims directed to the elected group is requested. Applicants expressly reserve the right to rejoinder of the withdrawn claims once the elected claims are found allowable. Additionally, applicants expressly reserve the right to pursue other claims in a future continuation or divisional application(s) as appropriate." . This is not found persuasive because of the reason set forth in the previous office action. The invention in claims 12-17 is related to a photoreactive component and claims is related to process for programming a photosensitive network. The inventions lacks correspondent special technical feature, and the applicants fails to provide a clear explanation was to why the groups have correspondent special technical feature. The amorphous network concept is not presented in group II and III. The groups presented in the election requirement are independent and distinct, and the standard of restriction under 35 USC 121 is met.

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The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 9-11, 21 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Langer et al (US 6,388,043B1).

Langer et al discloses a shape memory composition substantially as claimed. See the multi-block copolymer with hard segment and soft segment in column 10, lines 59-67; The polymer segments includes natural or synthetic, wherein the synthetic polymer blocks or polymer includes polyacrylate (column 7, lines 51-67); a polymer network is prepared by covalently crosslinking macromonomer, i.e., polymer which contain polymerizable endgroups such as carbon-carbon double bond, and the polymerization process can be induced by using light or heat sensitive initiator or by curing with ultraviolet light; and in medical application, the crosslinking is performed using a photo-crosslinker and no chemical initiator in column (column 9, lines 65-65; column 10, lines 1-15); the use of copolymer including methyl acrylate

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polymeric block as a soft segment in column 8, lines 47-58; and photochemical stimuli having functional group capable of undergoing photo-reversible reaction such as cinnamonic acid derivative and cinnamylidene derivative column in column 11, lines 57-67. Langer discloses a use of a photo-crosslinker in combination with a block polymer to form a shape memory composition wherein the photo-crosslinker is considered as photoreactive component claimed in the claimed invention, and the block polymer is considered as amorphous network since it has photo-cross linking function same as defined in the specification disclosure. Therefore, the invention as claimed lacks novelty. Alternatively, it would have been obvious to the worker of ordinary skill in the art at the time the invention was made to form a shape memory composition within the scope taught in Langer et al, and thereby provide a material as claimed.

6. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thorl Chea whose telephone number is (571) 272-1328. The examiner can normally be reached on 9 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly can be reached on (571)272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TC/
October 3, 2009

/Thorl Chea/
Primary Examiner, Art Unit 1795